

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-209604

DATE: November 12, 1982

MATTER OF: Automation Analysis, Inc.

DIGEST:

1. Mere fact that bidder may have submitted a below-cost bid does not constitute a legal basis for precluding contract award.
2. Violations of the Service Contract Act during contract performance are the responsibility of the Department of Labor, not GAO.

Automation Analysis, Inc., protests against an award to certain bidders under invitation for bids No. 82-10 issued by the Federal Communications Commission on the grounds that their bids are below cost and in the performance of the contract, the bidders may not pay their employees the wage rates required by the Service Contract Act, 41 U.S.C. § 351, et seq. (1976).

We dismiss the protest.

We have held that the mere fact that a bidder may have submitted a below-cost bid does not constitute a legal basis for precluding a contract award. J&R Cleaning and General Maintenance, B-206280, February 19, 1982, 82-1 CPD 147; Forte, Inc., B-203041, May 19, 1981, 81-1 CPD 338.

Whether an awardee performs in accordance with contract requirements is a matter of contract administration not for resolution under our Bid Protest Procedures. Ellsworth Street Associates, B-207292, B-207293, June 2, 1982, 82-1 CPD 528. Should any awardee violate the Service Contract Act during the performance of the contract, the violation is a matter for the Department of Labor, not our Office, since the responsibility for administration and enforcement of the

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Act lies with the Department of Labor. J&R Cleaning and General Maintenance, supra; Forte, Inc., supra.

Harry R. Van Cleve
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Acting General Counsel